



6. Adurion is not, and has never been, authorized to do business in New York State.
7. Adurion does not maintain, nor has it ever maintained, any offices in New York State.
8. Adurion does not maintain a mailing address in New York State.
9. Adurion does not have, nor has it ever had, any employees, personnel, agents or representatives located in New York State.
10. Adurion does not have, nor has it ever had, a telephone or facsimile number in New York State.
11. Adurion has never pursued, and is not currently pursuing, any contracts or business in New York State.
12. Adurion does not transact any business within New York State, nor does it contract outside New York State to supply goods within New York State.
13. Adurion does not own, lease or rent any real property in New York State.
14. Adurion does not have any bank accounts or other assets located in New York State.
15. Adurion does not have, nor has it ever had, any officer, director, employee or agent assigned to duty in New York State.
16. Adurion does not derive substantial revenue from goods used or consumed or services rendered, in New York State.
17. Adurion does not incur or pay any taxes in New York State.
18. Adurion has never been a party to the Purchase Agreement, dated as of November 7, 2005, between Defendants Ocean Bay Properties I Limited, Ocean Bay Properties II Limited, and British Colonial Development Company, on the one hand as "Seller", and Plaintiff IGY



Ocean Bay Properties Limited ("IGY") on the other as "Purchaser", which is described in the Complaint.

19. Adurion was not to be a party to the prospective Shareholder's Agreement with IGY, which is also described in the Complaint.

20. The allegations in the Complaint against Adurion do not relate to any business transacted in New York State; rather they deal exclusively with a project in Nassau in the Commonwealth of the Bahamas.

Wherefore, the Declarant respectfully requests that the Court dismiss all claims in the Complaint asserted against Adurion.

  
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Jürg Gassmann

Executed in Glen Beach, KS  
on December 21, 2007